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SUBJECT: MATERIAL SUPPORT LEGISLATIVE FIX STILL NEEDED FOR  
BURMESE REFUGEE PROCESSING

[1](#)1. (SBU) Summary. Waivers for material support have allowed major resettlement programs for Karen and Chin refugees from Burma to move forward. However, a significant number of Karen and Chin refugees continue to be ineligible for U.S. resettlement because their previous activities are not waivable under current legislation. Post recommends that Washington agencies move forward with efforts to make legislative changes that will remove this block to Burmese refugee resettlement. End summary.

[1](#)2. (SBU) Post greatly appreciates the material support waivers that have been granted for refugees from Burma. This has allowed large resettlement programs for Chin and Karen refugees in Malaysia and Thailand, respectively, to get back on track. At the same time, a sizeable percentage of refugee cases from these two groups are still being placed on indefinite hold for material support because the refugees previously engaged in activities, such as receiving military training or being a combatant, that current waiver authority does not cover.

[1](#)3. (SBU) Recent statistics for the Tham Hin program in Thailand, which is largely for Karen refugees, show that 6,611 persons have come forward to apply for U.S. resettlement. Of this total, 807, or about 12 percent, have been placed on indefinite hold for being former combatants. Another 421 have not appeared for their Department of Homeland Security (DHS) interviews. Refugee processing staff believe that a significant portion of this latter group, perhaps as many as 75 percent, are self-selecting out. That is, they were former combatants who expect that their cases would be placed on hold. They are therefore not bothering to show up for their interviews. If those placed on hold and those who are self-selecting out are added, the percentage of those held back in Tham Hin for being former combatants rises to about 17 percent.

[1](#)4. (SBU) Recent statistics for Chin refugee processing in Malaysia show that DHS has placed about 10 percent of cases on indefinite hold for non-waivable material support reasons. DHS interviews in Mae La Camp in Thailand, which is largely composed of Karen refugees, recently began. Statistics so far show that only a small portion of cases, 2 percent, are being held up by material support. This is partly because many of those interviewed so far came to Thailand originally when they were young or were even born in Thailand. So the likelihood that they would have been combatants or participated in some material support disqualifying activity in Burma is low. Post expects that the 2 percent figure will rise as interviewing moves to later arrivals. At the same time, there also is a 10 percent no-show rate for DHS interviews in Mae La. Refugee processing staff believe that, as in Tham Hin, a large number

of refugees are choosing not to go forward with their cases after they have already gone through initial steps because they think they will be placed on material support hold.

¶15. (SBU) Besides these refugees, who at least opted to take initial steps towards U.S. resettlement, it is also likely that other refugees have chosen not to come forward at all to apply because of a material support concern. Post has seen a significantly lower-than-expected level of interest in Mae La Camp for U.S. resettlement. Only about 17,000 in the approximately 49,000 person camp have entered the resettlement program. It is likely that an important reason for this lower turnout is refugee confusion about material support and a concern that applying for resettlement will result in cases being put on indefinite hold.

¶16. (SBU) Experience so far in Tham Hin Camp shows that a significant number of camp leaders get caught by material support. The general refugee population tends to listen to its leaders. If some leaders have no buy-in to resettlement because their own cases are effectively being turned away because of material support, it is harder to attract average refugees to resettlement. Tham Hin also shows that some refugee families are faced with an extremely difficult decision about whether to leave behind family members who have engaged in material support activities that are not waivable.

¶17. (SBU) As refugee processing continues in Tham Hin, Mae La and Malaysia, the number of persons who will be placed on material support hold will grow. We must also interview a larger total number of refugees in order to meet refugee resettlement targets given that a certain percentage of cases will not be approvable because of material support. This reduces efficiency and drives up costs.

¶18. (SBU) Action request: To fix the continuing, significant problems stated above, Post recommends that Washington agencies move forward with efforts to make legislative changes that will remove the final material support blocks to Burmese refugee resettlement.  
BOYCE